



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, May 16, 2022 at 10:00 AM

AGENDA

MEMBERS OF COUNCIL

Hon. Kim Reynolds | **Governor**
Hon. Paul D. Pate | **Secretary of State**
Hon. Rob Sand | **Auditor of State**
Hon. Michael L. Fitzgerald | **Treasurer of State**
Hon. Michael L. Naig | **Secretary of Agriculture**

Teleconference Only

Conference Call Phone Number: (866) 685-1580

Conference Code Pin: 0009990993

1. Approval of Minutes

[A.](#) Approval of the minutes from the Executive Council meeting held on May 9, 2022.

2. Iowa Code §7D.10

[A.](#) Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$15,522.10.

3. Outside Counsel

[A.](#) The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Toribo Joseph Estrada v. ISP; State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm:	Patterson Law Firm, L.L.P.
Attorney:	Ryan Clark
	505 5th Avenue
	Suite 729
	Des Moines, IA 50309
Rate:	\$160.00 Per Hour

4. Leases

- A. Lease between DNR and Fidelity Properties Ltd.

Date of Lease: December 1, 2019 to November 30, 2024

Legal Description: An irregular strip of the bed of East Okoboji Lake adjoining Government Lot 5 in Section 20, Township 99N, Range 36W, Dickinson County, Iowa.

Purpose: Continued presence of a platform deck

Annual Fee: \$2,495.00

Michael J. Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

5. Emergency Allocations

- A. The Department of Administrative Services is requesting an emergency allocation in the amount of \$3,084.50. On October 5, 2020, vehicle 1315 was damaged after striking a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- B. The Department of Administrative Services is requesting an emergency allocation in the amount of \$3,256.90. On May 19, 2019, vehicle 1601 was damaged after striking a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- C. The Department of Administrative Services is requesting an emergency allocation in the amount of \$2,562.20. On May 22, 2019, vehicle 2189 was damaged after striking a wild animal. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- D. The Department of Administrative Services is requesting an emergency allocation in the amount of \$4,160.99. On July 7, 2019, vehicle 2462 was vandalized. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- E. The Department of Administrative Services is requesting an emergency allocation in the amount of \$9,542.32. On June 2, 2020, vehicle 105537 was damaged after striking a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- F. The Department of Administrative Services is requesting an emergency allocation in the amount of \$2,113.08. On October 3, 2019, vehicle 105947 was damaged after striking a raccoon. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- G. The Department of Public Safety is requesting an emergency allocation in the amount of \$2,486.86. On November 28, 2018, vehicle 248 was damaged after striking a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- H. The Department of Public Safety is requesting an emergency allocation in the amount of \$2,234.59. On December 24, 2020, vehicle 291 was damaged after striking a raccoon. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- I. The Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$1,031.18. This brings to total allocation to \$54,517.72. On September 7, 2021, the tower lighting system on the Waterloo ISICS Communication Tower was damaged by accumulative weather. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- J. The Iowa Communications Network is requesting an emergency allocation in the amount of \$21,323.29. On March 22, 2022, equipment along US Highway 1 in Jefferson County was damaged due to erosion. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

6. Payment of Cost Items

- A. Department of Transportation\$280,290.20
On August 10, 2020, a derecho damaged multiple buildings and facilities. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents partial payment.

- B. Iowa General Assembly\$8,760.21
On February 2, 2020, the capitol building was damaged due to vandalism. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- C. Department of Public Safety\$28,050.05
On July 9, 2021, a hailstorm caused damage to multiple vehicles. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents partial payment.

- D. Patterson Law Firm L.L.P.\$48.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Richard Adrian v. University of Iowa, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- E. Patterson Law Firm L.L.P.\$592.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Debra J. Breckenridge v. Iowa Judicial Branch, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- F. Patterson Law Firm L.L.P.\$48.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Donald Briggie v. Iowa DOT, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- G. Patterson Law Firm L.L.P.\$272.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Michelle Franz v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- H. Patterson Law Firm L.L.P.\$1,232.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Cyril Irvine v. Anamosa State Penitentiary; State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- I. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Cyril Irvine v. Anamosa State Penitentiary; State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- J. Patterson Law Firm L.L.P.....\$528.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Leland Mitchell v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- K. Patterson Law Firm L.L.P.....\$160.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Larry Opal v. Clarinda Correctional Facility, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- L. Patterson Law Firm L.L.P.....\$16.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Debra Oelrich v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- M. Patterson Law Firm L.L.P.....\$192.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Mark Ostring v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- N. Patterson Law Firm L.L.P.\$240.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Bryson Powell v. Glenwood Resource Center, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- O. Patterson Law Firm L.L.P.\$700.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Geoffrey Ray Wellman v. Iowa State Penitentiary, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- P. Wandro & Associates, P.C.\$2,525.00
2501 Grand Avenue, Suite B
Des Moines, IA 50312
Unclaimed Property Probate Matters

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

7. Information Items

- A. The City of Nashua made their second Contingency Loan payment of \$163,204.00. This loan was approved for \$754,933.00 on March 8, 2021, and is prorated not to exceed twenty years. Total repayment to date: \$706,394.00.
- B. Fremont County made their second Contingency Loan payment of \$8,000.00. This loan was approved for \$131,250.00 on October 19, 2020, and is prorated not to exceed twenty years. Total repayment to date: \$14,562.50.
- C. On Monday, February 15, 2021, the Executive Council approved an emergency allocation for the Department of Public Safety in the amount of \$10,953.40. On August 10, 2020, State Patrol Vehicle #383 was damaged when a building collapsed on the vehicle while at the repair shop. Request was to cover repair costs.

The Department of Public Safety was reimbursed for these damages by the repair shop's insurance company; therefore, the allocation should be reverted to the State Treasury and the allocation closed.

8. Adjourn Meeting



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, May 09, 2022 at 10:00 AM

MINUTES

The Executive Council met in regular session at 10:00 a.m. via conference call. Governor Kim Reynolds presided over the meeting. Secretary of State Paul Pate, Auditor of State Rob Sand, Treasurer of State Michael Fitzgerald and Secretary of Agriculture Michael Naig were present.

1. Approval of Minutes

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the minutes of the Executive Council meeting held on April 18, 2022.

The vote:	Ayes:	Governor Reynolds Secretary Pate Auditor Sand Treasurer Fitzgerald Secretary Naig
	Nays:	None

2. Personal Appearances

Christie Templeton, Department of Human Services, was present to request funds in the amount of \$177,000.00 pursuant to Iowa Code §29C.20A and §29C.20B with regard to the Governor's Proclamation of a State of Disaster Emergency for Cerro Gordo, Hancock, Howard, Humboldt, Mitchell, Pocahontas, Winneshiek and Worth counties.

Moved by Secretary Naig and seconded by Auditor Sand that the Executive Council approve the request.

The vote:	Ayes:	Governor Reynolds Secretary Pate Auditor Sand Treasurer Fitzgerald Secretary Naig
	Nays:	None

3. Iowa Code §7D.10

Moved by Treasurer Fitzgerald and seconded by Secretary Naig that the Council approve the request from the Attorney General's Office for payment of Expenses Under Iowa Code §7D.10 in the amount of \$11,200.00 for prosecuting cases under Iowa Code chapter 229A.

The vote:	Ayes:	Governor Reynolds Secretary Pate Auditor Sand Treasurer Fitzgerald Secretary Naig
	Nays:	None

4. Payment of Cost Items

Moved by Secretary Naig and seconded by Secretary Pate that the Council approve the following cost items:

- | | | |
|----|--|------------|
| A. | Department of Natural Resources | \$1,732.20 |
| | Drainage taxes for the following counties: | |
| | Polk County | \$1,732.20 |
| B. | Gray Miller Persh, LLP..... | \$4,250.60 |
| | 2233 Wisconsin Avenue NW | |
| | Suite 226 | |
| | Washington, D.C. 20007 | |
| | <u>Iowa PBS</u> | |
| C. | Denton Davis Brown PC..... | \$319.00 |
| | 215 10th Street, Suite 1300 | |
| | Des Moines, IA 50309-3993 | |
| | <u>Special Counsel Dentons Davis Brown Employee Retirement Income Security Act (ERISA)</u> | |
| D. | Michael Marquess..... | \$5,000.00 |
| | 2183 Docks Drive | |
| | Garwin, IA 50632 | |
| | <u>Tribal cases when the offenses are committed by non-natives against non-natives (or without a victim) on the Sac and Fox Indian Settlement in Tama County</u> | |
| E. | Hall Render Killian Health & Lyman P.C. (Baker) | \$1,440.79 |
| | PO BOX 771910 | |
| | Detroit, MI 48277-1910 | |
| | <u>University of Iowa Hospitals and Clinics (UIHC)</u> | |
| F. | Davis, Brown, Koehn, Shors & Roberts, P.C..... | \$458.30 |
| | The Davis Brown Tower | |
| | 215 10th Street, Suite 1300 | |
| | Des Moines, IA 50309-3993 | |
| | <u>Legal Services to state agencies on issues related to the visa status of prospective state employees</u> | |

5. Information Items

- A. Per Iowa Code 161E.14, the Johnson County Auditor certifies the amounts allocated to each school district, local fire departments of the unincorporated villages, townships, and cities of the county which are principally affected by the federal flood control project involved, to be paid and prorated among them as determined by the board of supervisors for FY21.

6. Adjourn Meeting

Moved by Secretary Pate and seconded by Auditor Sand that the meeting adjourn.

Respectfully submitted,

A handwritten signature in cursive script that reads "Victoria Newton".

Victoria Newton
Executive Secretary

THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-4419
Email: Jeffrey.Thompson@iowa.gov
www.iowaattorneygeneral.gov

May 4, 2022

Ms. Victoria Newton
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Request for Payment of SVP Court Costs

Dear Victoria:

Our Office requests Executive Council approval for payment pursuant to Iowa Code section 7D.10 for court costs and expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program.

In addition to the cost of employee salaries, travel and support devoted to this program, the Office incurs substantial expenses for expert witnesses. These expenses have increased substantially due to the growing number of chapter 229A commitments. Section 7D.10 authorizes payment of court costs and expenses by the Executive Council “[i]f sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department.” There is no specific appropriation for these expenses and sufficient funds are not otherwise available.

Therefore, pursuant to Iowa Code section 7D.10, the Office requests Executive Council approval of payment of \$15,522.10 for record review/report preparation (invoices enclosed).

Sincerely,

JEFFREY S. THOMPSON
Solicitor General

THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

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Email: Jeffrey.Thompson@iowa.gov
www.iowaattorneygeneral.gov

May 11, 2022

Victoria Newton
Executive Secretary
Executive Council
State Capitol
LOCAL

Re: Payment of Claims for Fees by Special Counsel

Dear Victoria:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Estrada, Toribo Joseph v. ISP and State of Iowa and Second Injury Fund of Iowa* case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$160.00 per hour. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

JEFFREY S. THOMPSON
Solicitor General